

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PAUL THOMAS,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

Case No. 17-CV-6084 (FB) (LB)

GOOD VISION TASTE INC. d/b/a  
SIGNATURE RESTAURANT,  
FALADA LOUNGE, VLADISLAV  
YUSUFOVA, and DIANA  
YUSUFOVA,

Defendants.

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**BLOCK, Senior District Judge:**

Magistrate Judge Bloom issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against all defendants in the total amount of \$101,019.43. The R&R advised that objections were due within 14 days and warned that “[f]ailure to file a timely objection to this Report generally waives any further judicial review.” R&R 19. The R&R was served on all defendants at their last known address on April 27, 2018, making objections due by May 11, 2018. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313

F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. However, the R&R’s calculation of prejudgment interest must be updated to reflect interest between the date of the R&R and the entry of judgment.

Accordingly, the Clerk shall enter judgment in accordance with the R&R, except that the amount of prejudgment interest—and, therefore, the total amount of the judgment—shall be increased by \$9.17 per day<sup>1</sup> multiplied by the number of days between April 17, 2018, and the day on which the judgment is entered..

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
September 5, 2018

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<sup>1</sup>9% annual interest ÷ 365 days × \$37,200.00 in principal.